

1 BILL NO. X-80-07- 17

2 ANNEXATION ORDINANCE NO. X-05-80

3
4 AN ORDINANCE annexing certain territory,
5 commonly known as the Stone Pointe Vil-
6 lage Area, to Fort Wayne, and including
7 the same in Councilmanic District No. 3.

8 WHEREAS, at least fifty-one percent (51%) of the owners
9 of the herein described territory have petitioned for volun-
10 tary annexation of said territory; and,

11 WHEREAS, said territory is adjacent to the corporate
12 limits; and,

13 WHEREAS, the City of Fort Wayne is desirous of annexing
14 said territory; therefore,

15 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
16 WAYNE, INDIANA:

17 SECTION 1. That the following described territory be,
18 and the same is hereby annexed to and made a part of the cor-
19 poration of the City of Fort Wayne, Indiana, to-wit:

20 A part of the Southwest Quarter, Section 12,
21 Township 31 North, Range 12 East, Allen
County, State of Indiana, more particularly
described as follows:

22 Beginning at a point 1,421.8 feet north of
23 the centerline of Cook Road and 30 feet east
24 of the centerline of Coldwater Road; thence
25 North 00 degrees, 38 minutes, 40 seconds
26 West a distance of 166.0 feet along the east
27 right-of-way line of Coldwater Road to the
28 southerly boundary of Carlisle Place as re-
29 corded in Plat Book 21, Page 39, in the Of-
30 fice of the Allen County Recorder; thence
31 North 89 degrees, 12 minutes, 53 seconds
32 East a distance of 805.73 feet; thence South
26 degrees, 50 minutes, 50 seconds East a
distance of 212.62 feet to a point on the
northerly boundary of land annexed per Ordin-
ance No. X-02-79; thence South 89 degrees, 06
minutes, 20 seconds West a distance of 656.27
feet to a point which is on an arc of a circle
with a radius of 50.0 feet; thence southwesterly,
westerly and northwesterly on a curve
concave to the north, having a radius of 50.0
feet, a distance of 130.9 feet to a point,
said point derived by a chord of 96.59 feet,

3 having a bearing of North 75 degrees, 53
4 minutes, 40 seconds West; thence South 89
5 degrees, 06 minutes, 20 seconds West a
distance of 150.0 feet to the Point of Be-
ginning; containing 3.7 acres, more or
less, and subject to easements of record.

6 Also:

7 Beginning at the northwest corner of Lot
8 Numbered 122 in Wheatridge, Section I,
9 as recorded in Plat Book 42, Page 118 in
the Office of the Allen County Recorder;
10 thence North 71 degrees, 18 minutes, 09
seconds West a distance of 61.96 feet along
the boundary per annexation ordinance No.
11 X-02-79; thence North 00 degrees, 53 minutes
40 seconds West a distance of 99.16 feet;
12 thence South 26 degrees, 50 minutes, 50
seconds East, a distance of 133.38 feet to
13 the Point of Beginning, containing 0.07
acres, more or less, and subject to easements
14 of record.

15 The intent being to include all real property
16 known as Stone Point Village that was not pre-
viously annexed in Ordinance No. X-02-79.

17 SECTION 2. It is the policy of the City of Fort Wayne
18 to furnish the above described territory within a period of
19 time of one (1) year of the effective date of annexation, gov-
20 ernmental services of a non-capital nature in a manner which
21 is equivalent in standard and scope to those non-capital ser-
22 vices provided to areas within the City which have similar
23 topography, patterns of land utilization, and population density
24 to the said described territory. It is also the policy of
25 the City of Fort Wayne to provide services of a capital im-
26 provement nature to the annexed territory within three (3)
27 years of the effective date of annexation in the same manner
28 as such services are provided to areas already in the City
29 with similar topography, patterns of land utilization and pop-
30 ulation density, and in a manner consistent with federal,
31 state and local laws, procedures and planning criteria.

32 SECTION 3. Governmental and proprietary services will
be provided to the above described territory in a manner

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3 consistent with the written Fiscal Plan for the territory
4 developed by the Department of Community Development and
5 Planning. Said Plan was examined by the Common Council and
6 is approved and adopted by the Common Council by the passage
7 of this Ordinance.

8 SECTION 4. Said described territory shall be part of
9 Councilmanic District No. 3 of the City of Fort Wayne, Indiana,
10 as described in Section 2-9 of Article II of the Code of the
11 City of Fort Wayne, Indiana 1974.

12 SECTION 5. This Ordinance shall be in full force and
13 effect after its passage, approval by the Mayor and sixty (60)
14 days after final publication thereof as required by law.

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APPROVED AS TO FORM AND
LEGALITY JULY 3, 1980.

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JOHN E. HOFFMAN
City Attorney

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Read the first time in full and on motion by Gia Quinta,
seconded by Johnes, and duly adopted, read the second time
by title and referred to the Committee Annester (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on 19, the 19 day of July, at o'clock M., E.S.T.

DATE: 7-8-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Gia Quinta,
seconded by Eustub, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>6</u>			<u>3</u>	
<u>BURNS</u>	<u>✓</u>				
<u>EISBART</u>	<u>✓</u>				
<u>GiaQUINTA</u>	<u>✓</u>				
<u>NUCKOLS</u>				<u>✓</u>	
<u>SCHMIDT, D.</u>				<u>✓</u>	
<u>SCHMIDT, V.</u>				<u>✓</u>	
<u>SCHOMBURG</u>	<u>✓</u>				
<u>STIER</u>	<u>✓</u>				
<u>TALARICO</u>	<u>✓</u>				

DATE: 8-12-80

Charles W. Westerman/me
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (RESOLUTION) No. X-05-80
on the 12th day of August, 1980.

ATTEST: Charles W. Westerman/me
CHARLES W. WESTERMAN - CITY CLERK

(SEAL) James Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 13th day of August, 1980, at the hour of
11:30 o'clock A M., E.S.T.

Charles W. Westerman/me
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 18th day of August
1980, at the hour of 9:30 o'clock A M., E.S.T.

W.M. Jr.
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. X-80-07-17

REPORT OF THE COMMITTEE ON ANNEXATION

WE, YOUR COMMITTEE ON ANNEXATION TO WHOM WAS REFERRED AN ORDINANCE annexing certain territory, commonly known as the Stone Pointe Village Area, to Fort Wayne, and including the same in Councilmanic District No. 3

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK GIAQUINTA, CHAIRMAN

Mark C. Giacinta

DONALD J. SCHMIDT, VICE CHAIRMAN

D.J. Schmidt

JAMES S. STIER

James S. Stier

PAUL M. BURNS

SAMUEL J. TALARICO

8-12-80
DATE CONCURRED IN CHARLES W. WESTERMAN, CITY CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

29 July 1980

TO: The Common Council
FROM: Paul Norby, Director of Planning - Community Development & Planning
SUBJECT: Stone Pointe Village Voluntary Annexation

Gentlemen and Mrs. Schmidt:

At the July 28, 1980 business meeting the City Plan Commission recommended DO PASS for the Stone Pointe Village annexation, R-80-07-18 and X-80-07-17.

The Commission's recommendation, the annexation fiscal plan and the appropriate resolution and ordinance are attached for your consideration.

The annexation has been petitioned for by the sole owner of the 3.77 acres effected. Although the land is vacant, the Plan Commission has approved a rezoning to allow apartment buildings.

Without annexation, the city limits would split three of the apartment structures to be constructed as part of Stone Pointe Village. Annexation would eliminate the resulting service provision problems at a small first year cost to the City. In fact, the City would receive a net gain of revenue over costs once property taxes are received from the area.

Please inform us of the date of Committee discussion so that we will be available to answer your questions.

APN:pb

CC: John Logan, Council Attorney
Charles Westerman, City Clerk
File

Attachments





THE CITY OF FORT WAYNE

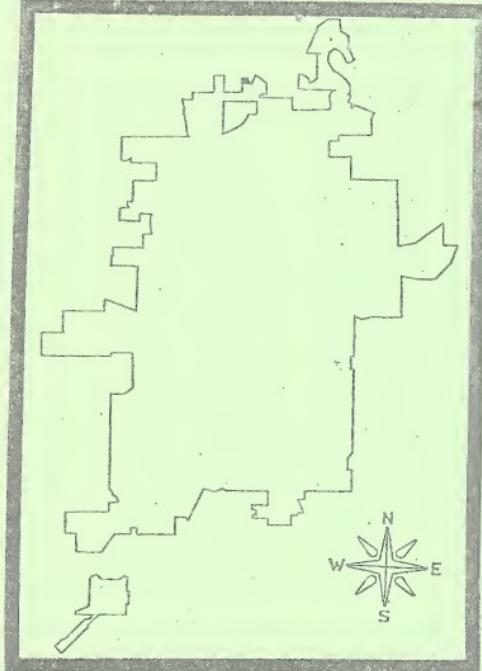
CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802
city plan commission

29 July 1980

TO: The Common Council
City of Fort Wayne

RESOLUTION
OF THE
CITY PLAN COMMISSION

BE IT HEREBY RESOLVED that the City Plan Commission recommends DO PASS for the Stone Pointe Village annexation, Annexation Bill No. X-80-07-17 and Resolution No. R-80-07-18.



**STONE POINTE
VILLAGE
ANNEXATION
city of
fort wayne**

INTRODUCTION

The Stone Pointe Village Annexation was petitioned for in June of 1980 by the owner of the effected territory. Current plans are to build part of Stone Pointe Village, Phase II in the area.

The present City Limits split Phase II and without annexation several of the proposed apartment structures would also be split by this line. Annexation would simplify the provision of municipal services to these structures and the entire apartment complex.

All of the property owners petitioned for annexation and the area is contiguous to the City, so the voluntary annexation criteria of I.C. 18-5-10-23 are met.

As required by Common Council Resolution R-56-79, this annexation fiscal plan has been prepared. It describes the area, sets forth a plan for providing municipal services and summarizes the financial impact of annexation upon the City.

BASIC DATA

1. Location

The area proposed for annexation is located north of the City, east of Coldwater Road and north of Cook Road in Washington Township. (Map I)

2. Size

3.77 acres

3. Population/Density

The area is currently vacant. With current site plans, annexation would affect approximately 46 dwelling units and 100 people.

4. Buildings

According to the site plan for Stone Pointe Village Phase II, four apartment structures will be built in the area to be annexed. Only one structure will be located on land that is entirely outside the City.

5. Land Use

	<u>Use</u>	<u>Area</u>	<u>Percentage</u>
Current	vacant	3.77 acres	100 %
Proposed	Multi-family	3.77 acres	100 %

6. Zoning

<u>Percent</u>	<u>County Zone</u>	<u>Description</u>	<u>City Zone</u>	<u>Description</u>
100 %	RSP1	Planned Single Family	R1	Single Family

A petition for rezoning the land to R3 under the extraterritorial jurisdiction granted to the City Plan Commission by the County Commissioners has already been filed with City Council. A rezoning ordinance will be reviewed by the City Plan Commission and then sent to Council for a decision.

7. Planning

The effected territory is well within the area proposed for annexation by the City's Annexation Policy and Program Study.¹ All of Stone Pointe Village Phase I and part of Phase II were annexed under X-02-79, Wheatridge.

When X-02-79 was approved, the owner had not decided yet on the nature of the land use. After annexation, plans were made for Phase I and II of Stone Pointe Village. The City Plan Commission was given extraterritorial planning jurisdiction to facilitate development of the entire site. As a matter of policy the City Plan Commission has been more willing to take on such jurisdiction when annexation, usually voluntary, was also in the works. This annexation conforms to such a policy.

Without annexation, service provision could suffer duplication and waste because structures would be split by the corporate limits. Annexation would clearly establish emergency service responsibility with the City, and as shown, services can be realistically extended to the area. It would have other general benefits pertaining to tax base growth, tax burden equalization, and the community viability that follows.

¹ Community Development and Planning, Annexation Program and Policy Study, 1976.

MUNICIPAL SERVICES

In 1979 the Fort Wayne City Council adopted Resolution No. R-56-79 that set forth a policy for providing municipal services to annexed areas. This plan follows the directives of R-56-79 which are based on State Annexation Law, in particular I.C. 18-5-10-25 (c).

Under current plans, four apartment buildings will be located in the annexation area. Three of the four will be sited on the present City limits. Consequently, the effects of annexation cannot be precisely determined. Certain services would be provided to all the apartments even without annexation. For example, EMS might respond to all calls from the complex just to be sure that there are no problems with misjudging where the boundary is.

Although construction is expected to begin in Fall of 1980, with occupancy in 1981, it is possible that the apartment structures will not materialize, or will not be completed until after 1981. Such a development would not effect the City's commitment to providing services that are equivalent in standard and scope to those provided similar areas already within the city.

Municipal services are analyzed in terms of the needs of the Stone Pointe Village Annexation area and the costs of providing the services to the area. As required by Indiana law, services will be provided in a manner that treats the Stone Pointe Village area the same way as similar areas in the City are treated. Services will be at City standard, and, where necessary for items such as new utility service, the standard service provision processes will be used just as they are used elsewhere in the City of Fort Wayne.

The City of Fort Wayne will provide police and fire protection, emergency medical service, traffic control, solid waste collection, and street and road maintenance immediately upon annexation. Street lighting and street construction will be provided in accordance with the standard processes of the City, which can include property owner petitioning and financial participation. The water, sewer and drainage services of the Fort Wayne City Utilities will be made available to the area in conformance with relevant State law and Utility policies. The Park facilities of the City will be available to residents with park development in the area contingent upon the park planning standards and methods used throughout the community. The specifics of implementing these services in the Stone Pointe Village annexation are presented in the following reports.

This is a plan to provide municipal services, which the City of Fort Wayne is committed to do. The exact implementation details may change as needs are re-evaluated and services re-allocated throughout the entire city. Standard City policy could also change, necessitating change in the manner and amount of service provided. Regardless of the change in details, the services will be provided to the Stone Pointe Village area in the same manner and level that they are provided elsewhere in the City.

Once the annexation becomes effective the departments of the City of Fort Wayne will be notified so that they can appropriately modify their areas of jurisdiction. Then this plan can be implemented.

1. Police

The Fort Wayne Police Department will become responsible for servicing the Stone Pointe Village area immediately upon annexation. This service generally includes the prevention and detection of criminal offenders, assistance for those who cannot care for themselves or who are in danger of physical harm, the resolution of day to day conflicts among family, friends and neighbors, and the creation and maintenance of a feeling of security in the community. The Police Department is also involved in legal work such as participation in court proceedings and protection of constitutional guarantees. Furthermore, it is responsible for the control of traffic and the promotion and preservation of civil order.

The location, size and character of the area to be annexed and of all of Stone Pointe Village have been analyzed by the Police Department and an estimate made of the cost of providing police service to the complex and to the annexation area. Police service is already being provided to the part of Stone Pointe Village in the City. The rest can be served by extending Police District #1. Ten (10) trips a day will be the maximum required to serve the complex. There will be daily variations and the Chief of Police will routinely monitor service delivery and make necessary adjustments in patrol districts, patterns and manpower.

Using an average of ten (10) patrols daily and calculating the cost of this in officer time and equipment used, it would cost \$8,030 a year to serve the entire complex. The annexation area includes fifteen percent (15%) of Stone Pointe Village. Therefore, its share of the cost is approximately \$1,204. Since parts of the proposed apartment buildings will be in the City regardless of annexation, the Police Department will pick up some of this cost anyway. So, the actual cost of annexation will range from \$0 to \$1204.

Funding for the manpower and equipment used to serve the area will come from the regular Police Department budget which is derived primarily from local property taxes through the General Fund. Any monies allocated to the General Fund can be used for this budget and these services.

2. Fire

The Fort Wayne Fire Department will provide service to the Stone Pointe Village annexation area immediately upon annexation. The services provided include fire protection and suppression, emergency rescue and fire prevention inspection.

First response to calls for service will come from Station #13 on Coliseum Blvd. and Parnell Avenue and Station #6 on Coliseum Blvd.

Serving the proposed apartment complex will not require additional personnel or equipment. Inspections would use manpower time and any runs to the area would use some materials and fuel. However, this annexation alone will not lead to an increase in the Fire Department budget requirement. There are three reasons for this fact. First, the Fire Department will probably make runs to the apartment buildings because of the way the City limits cut through them. Second, the area of responsibility being added is too small to calculate a reasonable estimate of the number and cost of additional runs. Finally, the Fire Department can absorb the additional area in its present budget and service structure. Funding for which comes through the City City Budget.

3. Emergency Medical Service

Immediately upon annexation, the Stone Pointe Village area will receive full time emergency medical service coverage from the Fort Wayne EMS Department. This includes ambulance coverage and first aid treatment to victims of heart attacks, automobile and other accidents, and to others requiring immediate medical attention.

EMS response will come from Fire Station #13, located at the intersection of Coliseum Blvd. and Parnell Avenue. On certain runs the Fort Wayne Fire Department will provide initial response and extra assistance. This will come from Station #13 or from #6 on Coliseum Blvd.

The Fire Department trains its personnel so that there is a trained emergency medical technician at each station and on all runs. The firemen will be able to administer medical treatment before the ambulance arrives to transport the victim.

The Emergency Medical Service provided to the Stone Pointe Village area will be equivalent to the service provided to other areas within the city. The City is currently providing service to the immediate south of the annexation area, including part of the apartment complex, so response time should be nearly the same for the Stone Pointe Village annexation area as it is for these adjacent areas. It will also be within standards that are acceptable to the EMS department.

Usually the estimated cost of EMS services is computed by a per capita method using the residential population of an area. With potentially 100 people involved, the area would generate about 8 EMS runs per year. At a per run cost of \$55. the annual cost is estimated at \$440.

Much of this annual cost could be incurred regardless of annexation, because parts of three proposed buildings will be within the current city limits. Furthermore, once the buildings are constructed, the City is likely to provide much of the EMS service to the area currently outside the City. Should the buildings be taxed at the City rate. then EMS would probably treat the structures as being inside the City. That would reduce the EMS cost attributable to annexation.

Funding will come out of the regular EMS budget which is supported by local property taxes through the General Fund.

4. Solid Waste Collection

The City solid waste removal contract with National Serv-All does not include multi-family structures. Therefore, this annexation would not involve any expenses to the Civil City for solid waste collection.

5. Traffic Control

The City of Fort Wayne will assume responsibility for traffic control in this area immediately upon annexation. Since plans are to locate the road serving Stone Pointe Village in the area already annexed, these new responsibilities are limited. The City will regulate traffic engineering for the site to protect public safety, but no direct expenditures for facilities are required.

6. Street Lighting

There will be no cost for street lighting since no roads are being annexed and Coldwater Road is not in the City. Regulatory costs are not amenable to calculation for an area this small.

7. Streets and Roads

Since there are no public streets or roads in the area and none expected, there will be no street maintenance or construction costs due to the annexation.

8. Parks

No additional parks are needed in the area because of the small population being added to the City. Also, the bulk of the population in Stone Pointe Village is in areas already in the City.

9. General Administrative Functions

Upon annexation all administrative functions of the City will be available to the annexation area. This includes, but is not limited to, the Law Department, the City Plan Commission, the Mayor's Office, the Board of Works, Metropolitan Human Relations, and so on. General Administration includes all the regulatory and program functions of the various City departments. When the Stone Pointe Village annexation becomes effective City departments will be notified and will expand their jurisdictional areas accordingly.

The costs of these services cannot be directly related to the size or population of an area.¹ Consequently, this plan does not include cost estimates. Also, because the proposed structures will be split by the current city boundary anyway,

¹ Community Development and Planning, Annexation Program and Policy Study, 1976.

there is no measurable addition of responsibility. An expansion of the size proposed here can be absorbed by the City departments through their regular budgets. These budgets are developed with consideration of annexation. Therefore, expansion of administrative functions is possible. Funding comes from a variety of resources including the General Fund, monies from the State (MVH for example) and in some cases, Federal Grants.

FORT WAYNE UTILITIES

Water and sanitary sewer facilities will be provided to the Stone Pointe Village annexation area by City Utilities. These services are paid for with user charges and tap fees and not through Civil City property tax revenues. Storm drainage facilities will be provided by the developer of the annexation area under the supervision and control of City Utilities.

1. Water

Stone Pointe Village Phase II will receive water services from City Utilities. Line extensions to the apartments will be paid for by the developer. Facilities are adequate to accommodate the additional proposed apartment units. Should development plans change, the developer will still be responsible for water line extension.

2. Fire Hydrants

As part of any development plan for the area, adequate fire hydrants will be required. Present plans do not include public right-of-way. This means that the fire hydrant user fee will be paid by the property owner and not by the Civil City.

3. Sanitary Sewers

The Stone Pointe Village annexation area will use City Utilities sanitary sewers. Installation will be done and paid for by the developer. Plan review and approval will be the responsibility of Water Pollution Control Engineering.

4. Storm Drainage

Storm drainage facilities will be provided by the developer of the Stone Pointe Village complex. The City will regulate the provision of these facilities.

FINANCIAL SUMMARY

1. Revenue

As vacant land the annexation area has an assessed valuation of \$6,300. Using the most recent City tax rate, \$.3.1914 per \$100 of assessed valuation, revenue from this land would be \$201 annually.

After development the assessed value of the land will increase to \$12,700. The assessed value of the four apartment buildings involved will be roughly \$269,200. According to the Washington Township Assessor, the City will probably receive tax revenue from the three buildings that are split by the City limits regardless of annexation. Under this policy, annexation would add \$80,000 in assessed valuation. Without this policy the land and buildings being annexed will be assessed after development at \$281,900. The proportion annexed is roughly equal to \$175,250. Civil City tax revenue on the \$80,000 would be \$2553. Tax revenue on the \$175,250 would be \$5593 and on the \$281,900, \$8997. So, actual revenue will be \$2553, but on the area being used to determine costs, the revenue would be a theoretic \$5593.

No population based revenue will be received from the State until the 1990's since the State uses the decennial (1980) census as a base.

2. Expenditures

As explained in the Municipal Services reports, annexation costs for several services cannot be calculated with much accuracy because of the way the City limits split proposed structures. Nevertheless, estimates were made and are summarized below.

<u>Service</u>	<u>Annual Cost</u>
Police	\$0 to \$1,204
Fire	\$0
EMS	\$0 to \$440
Solid Waste Collection	\$0
Traffic Control	\$0
Street Maintenance	\$0
Parks	\$0
Fire Hydrants	\$0

3. Five Year Summary

Once Stone Pointe Village, Phase II, is completed and annexed, the City will receive from \$2,553 to \$5,593 in tax revenues depending on the Assessor's policy regarding split structures. The cost of serving the annexation area alone, once developed, is estimated at \$0 to \$1,640.

Assuming annexation in 1980, apartment occupancy starting in 1981, maximum costs, minimum revenue, ten percent (10%) inflation, and the present State property tax law which provides for roughly 4.5% annual tax levy increases, the following five year fiscal summary results.

<u>Year</u>	<u>Expenditures</u>	<u>Revenue</u>	<u>Net</u>
1980	0	0	0
1981	\$1804	0	-\$1640
1982	1984	\$2668	+ 684
1983	2182	2788	+ 606
1984	2400	2914	+ 519
			+\$ 164

Although there is a first year deficit, it is made up for with a modest annual gain.

SUMMARY AND RECOMMENDATIONS

1. Indiana Annexation Statutes

This voluntary annexation meets the legal requirements of I.C. 18-05-10-25 by being contiguous to the corporate limits and having been petitioned for by more than 51% of the property owners. This report meets the fiscal plan requirements of R-56-79. It delineates the services to be provided, estimates the costs of these services, includes a plan for the organization and extension of these services, and states how the services will be funded. No employees of other governmental entities will lose their jobs because of this annexation.

2. Fort Wayne's Annexation Policy

The Fort Wayne City Council has considered other annexation criteria in addition to those set forth by the State Statutes.

A. The area proposed for annexation must have a unity of interest with the municipality.

Clearly, with parts of the proposed apartment structures in the annexation area and other parts in the City, this condition is met.

B. The advantages to the proposed annexation area must outweigh the disadvantages.

The principal advantage will be that all of the apartment complex will be completely within the City instead of split. Urban services can then be provided with less confusion and greater efficiency. There will be a greater tax burden, but this is balanced by the clarity in service provision which makes development and operations simpler.

C. The advantages to the City must outweigh the disadvantages.

The City would grow along with the urban area, thereby providing for a strong tax base and the ability to provide adequate services. Having the entire Stone Pointe Village apartment complex in the City would greatly simplify the provision of services.

D. The deficit of income against expenses to the City must not be unreasonable.

Annexation will have a negligible effect in this regard. The City will be providing services to part of the proposed complex anyway, and will be receiving some tax revenue regardless. Services effected by annexation should cost less than the tax revenue from Stone Pointe Village.

E. The City must desire to annex the area.

The Stone Pointe Village annexation area is adjacent to recently annexed Wheatridge. Part of the complex was already annexed and the City accepted extraterritorial planning jurisdiction for the entire complex area. Annexation merely follows through on the process of clearly establishing planning and service jurisdiction.

Based on analysis of the Stone Pointe Village annexation area by the Department of Community Development and Planning, the Department finds that this annexation is consistent with City policies and in the City's best interests. Therefore, annexation is recommended.

DIGEST SHEET

TITLE OF ORDINANCE Stone Pointe Village Annexation

X-80-07-17

DEPARTMENT REQUESTING ORDINANCE CD&P

SYNOPSIS OF ORDINANCE Annexes Stone Pointe Village, Phase II to the City as
requested by the property owners. Phase I is already in the City and construction
on Phase II is about to begin. Ordinance delineates services to be provided.

Approximately 3.77 acres are annexed by the Ordinance.

EFFECT OF PASSAGE All of Phase II of Stone Pointe Village becomes a part of the City.
The current City limits split several buildings in Phase II, so annexation has been
requested to bring these structures entirely within the City. This will benefit
emergency services as well as allowing the City to grow with the urban area. Other
effects to be explained by annexation fiscal plan to be prepared by CD&P.EFFECT OF NON-PASSAGE Area does not become a part of the City. Since part of
Stone Pointe Village is already in the City, ineffective service provision would
result.MONEY INVOLVED (Direct Costs, Expenditures, Savings) To be explained by
fiscal plan.(ASSIGN TO COMMITTEE (J.N.) *Annexation*)



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

Charles W. Westerman, Clerk :: Room 122

August 19, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of August 22 and August 29, 1980, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. X-80-07-17
Annexation Ord. No. X-05-80
(Stone Pointe Village, PhaseII)

Please send us six (6) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 12th day of August, 1980, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the BILL NO. X-80-07-17 following X-05-80 Annexation Ordinance, to-wit:

1 BILL NO. X-80-07-17

2 ANNEXATION ORDINANCE NO. X-05-80

3
4 AN ORDINANCE annexing certain territory,
5 commonly known as the Stone Pointe Vil-
6 lage Area, to Fort Wayne, and including
7 the same in Councilmanic District No. 3.

8 WHEREAS, at least fifty-one percent (51%) of the owners
9 of the herein described territory have petitioned for volun-
10 tary annexation of said territory; and,

11 WHEREAS, said territory is adjacent to the corporate
12 limits; and,

13 WHEREAS, the City of Fort Wayne is desirous of annexing
14 said territory; therefore,

15 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
16 WAYNE, INDIANA:

17 SECTION 1. That the following described territory be,
18 and the same is hereby annexed to and made a part of the cor-
19 poration of the City of Fort Wayne, Indiana, to-wit:

20 A part of the Southwest Quarter, Section 12,
21 Township 31 North, Range 12 East, Allen
22 County, State of Indiana, more particularly
23 described as follows:

24 Beginning at a point 1,421.8 feet north of
25 the centerline of Cook Road and 30 feet east
26 of the centerline of Coldwater Road; thence
27 North 00 degrees, 38 minutes, 40 seconds
28 West a distance of 166.0 feet along the east
29 right-of-way line of Coldwater Road to the
30 southerly boundary of Carlisle Place as re-
31 corded in Plat Book 21, Page 39, in the Of-
32 fice of the Allen County Recorder; thence
33 North 89 degrees, 12 minutes, 53 seconds
34 East a distance of 805.73 feet; thence South
35 26 degrees, 50 minutes, 50 seconds East a
36 distance of 212.62 feet to a point on the
37 northerly boundary of land annexed per Ordin-
38 ance No. X-02-79; thence South 39 degrees, 06

12 SECTION 5. This Ordinance shall be in full force and
13 effect after its passage, approval by the Mayor and sixty (60)
14 days after final publication thereof as required by law.
15
16
17


Mark & Jim Burns
COUNCILMAN

Read the third time in full and on motion by GiaQuinta, seconded by Eisbart, and duly adopted, placed on its passage. PASSED by the following vote:

Ayes: Six
Burns, Eisbart, GiaQuinta, Schomburg, Stier, Talarico
Nays: None
Absent: Three
D. Schmidt, Nuckles, V. Schmidt

Date: 8-12-80 Charles W. Westerman/ne
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana as Annexation Ordinance No. X-05-80 on the 12th day of August, 1980.

ATTEST: (SEAL)

Charles W. Westerman/ne James S. Stier
City Clerk Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/ne
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T.

Win Moses, Jr.
Mayor

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-05-80 passed by the Common Council on the 12th day of August, 1980, and that said Ordinance was duly signed and approved by the Mayor on the 18th day of August, 1980 and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 18th day of August, 1980.

SEAL


CHARLES W. WESTERMAN
CITY CLERK

Notice is hereby given that on the 12th day of August, 1980, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following BILL NO. X-05-80 Annexation Ordinance, to wit:

BILL NO. X-05-80
ANNEXATION ORDINANCE

NO. X-05-80

AN ORDINANCE annexing certain territory from the State of Indiana, the Stone Pointe Village Area, to Fort Wayne, and including the same in Corporation.

WHEREAS, at least fifty-one percent (51%) of the owners of the herein described territory have petitioned for voluntary annexation of said territory; and

WHEREAS, said territory is adjacent to the corporate limits; and,

WHEREAS, the City of Fort Wayne is desirous of annexing said territory; and,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the following described territory be, and the same is hereby annexed to the City of Fort Wayne, Indiana, to wit: A part of the State of Indiana, in the County of Allen, Township 31 North, Range 17 East, Allen County, State of Indiana, more particularly described as follows:

Beginning at the Point of Beginning, ginning at a point 1,421.5 feet north of the centerline of Cook Road and 30 feet east of the centerline of Collier Road, thence North 00 degrees, 38 minutes, 40 seconds West a distance of 12.02 feet to the right-of-way line of Collier Road to the southerly boundary of Carlisle Plaza, thence North 89 degrees, 41 minutes, 20 seconds West a distance of 656.27 feet to a point which is the Point of Beginning, containing 37 acres, more or less, and subject to easements of record;

Also: Beginning at the northwest corner of Lot Numbered 123 in Wheeling Addition, Section 17, Township 31, Range 17, Book 42, Page 118 in the Office of the Allen County Recorder; thence North 89 degrees, 41 minutes, 20 seconds West a distance of 61.96 feet along the boundary per annexation ordinance No. X-05-80, thence North 00 degrees, 33 minutes, 50 seconds West a distance of 99.16 feet, thence South 26 degrees, 50 seconds West a distance of 133.39 feet to the Point of Beginning, containing 0.07 acres, more or less, and subject to easements of record;

The intent being to include all real property known as Stone Point Village, previously annexed in Ordinance No. X-02-79.

SECTION 2. If it is the policy of the City of Fort Wayne to annex the above described territory within a period of time of one (1) year of the effective date of this ordinance, governmental services of a non-capital nature in a manner which is equivalent in quality and cost to the non-capital services provided to areas within the City which have similar topography, patterns and land utilization, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

Pur. SECTION 3. Governmental and personal property shall be subject to the above described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Department of Community Development and Planning. Said Plan was explained by the Common Council and is available to be adopted by the Common Council by the passage of this Ordinance.

Section 4. The described territory shall be part of Councilmanic District No. 3 of the City of Fort Wayne, Indiana, as defined in Section 2 of Article II of the Code of the City of Fort Wayne, Indiana, 1974.

Section 5. This ordinance shall be in full force and effect after its passage, approval by the Mayor and sixty (60) days from the publication thereof as required by law.

MARK E. GIAQUINTA
CHARLES W. WESTERMAN/CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Elstbar, and duly adopted, placed on file in the office of the Clerk.

PASSED by the following vote:
Ayes: Six Burns, Elstbar, GiaQuinta,
Schmidt, Westerman, and Moses.
Nones: Absent: Three D. Schmidt,
Nuckles, V. Schmidt Date: 8/20/80
Charles W. Westerman/CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-05-80 on the 12th day of August, 1980.

Attest:
Charles W. Westerman/CLERK
James S. Stier
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, at the 12th day of August, 1980, at the hour of 11:30 o'clock A.M., E.S.T.
Charles W. Westerman/CLERK
City Clerk

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T. Wm. W. Moses, Jr.

Attest:
Charles W. Westerman, City Clerk
Mayor

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T. Wm. W. Moses, Jr.

Attest:
Charles W. Westerman, City Clerk
Mayor

Approved and signed by me this 18th day of August, 1980, at the hour of 9:30 o'clock A.M., E.S.T. Wm. W. Moses, Jr.

Attest:
Charles W. Westerman/CLERK
City Clerk

8/22/80

CHARLES W. WESTERMAN/CLERK

Fort Wayne Common Council
(Governmental Unit)

To **JOURNAL-GAZETTE** Dr.

Allen County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines
of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	.....
Body	number of lines	.....
Tail	number of lines	.....
Total number of lines in notice		.....

COMPUTATION OF CHARGES

190	1	columns wide equals	190	equivalent lines at253	\$ 48.07
cents per line											

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)	4	extra	2.00
---	-------	---	-------	-------	------

TOTAL AMOUNT OF CLAIM.											
.....	\$ 50.07

DATA FOR COMPUTING COST

Width of single column 9.6 picas	.....	Size of type.....	.....	6	.....	point
Number of insertions	.....	.....	.....	.....	.....	.....
2		Size of quad upon which type is cast 6				

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Aug. 29 19 80

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS.

Personally appeared before me, a notary public in and for said county and state, the undersigned, **ARVILLE DEWALD**, who, being duly sworn, says that she is

CLERK of the

JOURNAL-GAZETTE

DAILY newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA**

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times**, the dates of publication being as follows:

8/22 - 8/29/80

Subscribed and sworn to before me this 29th day of August 19 80

Notary Public

September 28, 1983



02-79; thence South 89 degrees, 06 minutes, 20 seconds West a distance of 460 feet to a point which is the end of an arc of a circle with a radius of 50.0 feet; thence southwesterly, westerly and northwesterly, forming an concave to the north, having a radius of 50.0 feet, a distance of 130.9 feet to a point; said point divided by a chord into two angles, one of 110 degrees, 50 minutes, 40 seconds West; thence South 89 degrees, 06 minutes, 20 seconds West a distance of 150.0 feet to the Point of Beginning, containing 3.7 acres, more or less, and subject to easements of record.

Also: Beginning at the northwest corner of Lot Numbered 122 in Wheatland Township, Allen County, Indiana, Book 42, Page 118 in the Office of the Allen County Recorder; thence North 27 degrees, 33 minutes, 40 seconds East a distance of 61.86 feet along the boundary per annexation ordinance No. X-90-79; thence North 27 degrees, 33 minutes, 40 seconds East a distance of 99.16 feet; thence South 26 degrees, 50 minutes, 50 sec-

Form Prescribed by State

Fort Wayne

(Govt)

Allen

LINE COUNT

Display

Map

Head

Body

Tail

COMPUTATION OF CHA

190

Additional

Charge for

Taxes

DATA FOR COMPUTATI

Width of

Number of

Pursuant to the provision

I hereby certify that the fo
has been paid.

Date Aug. 29, 19

Notice is hereby given that on the 12th day of August, 1980, the Common Council of the City of Fort Wayne, Indiana, in a public hearing did consider the following BILL, NO. X-90-17 X-90-80 Annexation Ordinance.

BILL, NO. X-90-17
ANNEXATION ORDINANCE
NO. X-90-80

AN ORDINANCE creating certain territory, commonly known as the Stone Point Village Area, to Fort Wayne, and the same to be in Councilmanic District No. 3.

WHEREAS, at least fifty-one percent (51%) of the owners of herein described territory have petitioned for voluntary annexation of said territory; and,

WHEREAS, the territory is adjacent to the corporate limits; and,

WHEREAS, the City of Fort Wayne desires to annex said territory; therefore,

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA,

SECTION 1. That the following described territory be, and the same is hereby created, to be a part of the corporation of the City of Fort Wayne, Indiana, to-wit: A part of the Southern portion of Section 31 North, Range 12 East, Allen County, State of Indiana, more particularly described as follows: Beginning at a point 140.8 feet north of the centerline of Cook Road and 30 feet east of the centerline of Colfax Road; thence North 40 degrees, 26 minutes, 38 seconds, 40 seconds West a distance of 166.0 feet along the east right-of-way of Cook Road; thence to the southerly boundary of Carlisle Place as recorded in Plan Book 21, Page 118 in the Office of the Allen County Recorder; thence North 89 degrees, 12 minutes, 53 seconds East a distance of 100.0 feet; thence South 26 degrees, 50 minutes, 50 seconds East a distance of 212.42 feet to a point on the northerly boundary of land annexed per Ordinance No. X-

To.....NEWS SENTINEL.....Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

I lines, neither of which shall total more than four solid lines
— advertisement is set — number of equivalent lines

The

intend to include all real

property known as Stone Point Vil

lage that was not previously annexed

in accordance with Section 79.

SECTION 2. It is the policy of the

City of Fort Wayne to furnish the

services of a capital improvement

structure in a manner which is equivalent

in standard and scope to those non-
capital services provided to areas

which have similar topography, patterns

and population density to the

territory described in this ordinance.

SECTION 3. Said described territory

will be part of Councilmanic

District No. 3 of the City of Fort

Wayne, Indiana, as determined in Sec-

tion 2 of Article II of the Code of the

City of Fort Wayne, Indiana.

SECTION 4. Said described territory

shall be in full force and effect after its

passage, approval by the Mayor and

sixty (60) days after its publication

thereof as required by law.

MARK E. GIAQUINTA

City Clerk

Read the third time in full and on

motion by GiaQuinta, seconded by

Elshart, and duly adopted, placed on

the record.

PASSED by the following vote:

Ayes: Six W., Elshart, GiaQuinta,

Moses, Shultz, Moore, Nays:

None Absent. Three D. Schmidt,

Nuckles, V. Schmidt Date: 8-12-80

Charles W. Westerman/n

City Clerk

Presiding Officer

Presented by me to the Mayor of

the City of Fort Wayne, Indiana, on the

13th day of August, 1980, at the hour

of 11:30 o'clock A.M., E.S.T.

Charles W. Westerman/n

City Clerk

Approved and signed by me this

18th day of August, 1980, at the hour

of 9:30 o'clock A.M., E.S.T.

Charles W. Westerman/n

Mayor

1. Charles W. Westerman, Clerk of

the City of Fort Wayne, Indiana,

hereby certify that the above and

foregoing is a full, true and complete

copy of the ordinance as it stands

as of the 18th day of August, 1980,

and now remains on file and in my of-

fice.

WITNESS my hand, and the offi-

cial seal of the City of Fort Wayne,

Indiana, this 18th day of August,

1980.

CHARLES W. WESTERMAN/n

CITY CLERK

8/22/80

is wide equals 190 equivalent lines at .253¢ \$ 48.07

or tabular work (50 per cent of above amount)

nts for each proof in excess of two) 4 extra 2.00

\$ 50.07

Size of type.....6.....point

Size of quad upon which type is cast.....6.....

that the amount claimed is legally due, after allowing all just credits, and that no part of the same

D. Roose

Title CLERK

PUBLISHER'S AFFIDAVIT

iana

county SS:

appeared before me, a notary public in and for said county and state, the

D. Roose

who, being duly sworn, says

CLERK

NEWS-SENTINEL

DAILY newspaper of general circulation printed and published

lish language in the city of FORT WAYNE, INDIANA

and county aforesaid, and that the printed matter attached hereto is a true copy, duly published in said paper for two times, the dates of publication being

8/22 - 8/29/80

D. Roose

August 19 80

Harry J. O'Brien

Notary Public

Subscribed and sworn to before me this 29th day of August 1980

September 28, 1983

My commission expires

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind.

To..... NEWS-SENTINEL..... Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines

Head	number of lines	
Body	number of lines	188
Tail	number of lines	2
Total number of lines in notice		190

COMPUTATION OF CHARGES

190	lines, 1 columns wide equals	190	equivalent lines at .253¢	\$ 48.07
		cents per line		

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)	4 extra	2.00
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TOTAL AMOUNT OF CLAIM.

\$ 50.07

DATA FOR COMPUTING COST

Width of single column 9.6 picas	Size of type..... 6 point
Number of insertions 2	Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Title..... CLERK

Date Aug. 29 19 80

PUBLISHER'S AFFIDAVIT

State of Indiana

ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned.....

who, being duly sworn, says that she is.....

CLERK

NEWS-SENTINEL

DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

8/22 - 8/29/80

Subscribed and sworn to before me this 29th day of August 19 80

Notary Public

My commission expires September 28, 1983

